

JAMES WASHINGTON, JR., #366894	§	
VS.	§	CIVIL ACTION NO. 6:09cv457
LT. PLANTIF, ET AL.	§	

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the complaint should be dismissed pursuant to past sanctions and the “three strikes” provision of 28 U.S.C. § 1915(g). The Plaintiff has filed a response, which is construed as objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Plaintiff's motion to proceed *in forma pauperis* (docket entry #2) is **DENIED**. It is further

ORDERED that the above-styled and numbered civil rights lawsuit is **DISMISSED** with prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein

presented, but without prejudice to the refiling of the lawsuit without seeking *in forma pauperis* status and upon payment of the full \$350 filing fee.

The Plaintiff is placed on notice that should he elect to pay the filing fee and refile the case, he must also show that he has fully complied with all of the sanctions imposed by him. Any attempt to refile this lawsuit without satisfying these conditions could result in the dismissal of the refiled lawsuit as well as the imposition of additional sanctions, monetary or otherwise. It is finally

ORDERED that all motions not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 30th day of October, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE